



USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/3/13

U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 2, 2013

By Facsimile

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: United States v. Alejo Polanco-Padilla
S3 05 Cr. 185 (AKH)

Dear Judge Hellerstein:

The Government respectfully submits this letter to advise the Court with respect to the status of this case and request that the Court schedule a conference. As the Court is aware, the above-referenced superseding indictment charges Polanco-Padilla and four other defendants with robbery, murder, and firearms charges stemming from the defendants' participation in a robbery in which a victim was shot and killed, on or about August 20, 2000. As the Court will also recall, Polanco-Padilla is also charged by the United States Attorney's Office for the Eastern District of New York with another murder, stemming from a different incident. Polanco-Padilla had been attempting to reach a disposition of both cases with the Government in both Districts. Polanco-Padilla agreed to the transfer of this case, pursuant to Rule 20, to the Eastern District in order to enter into a plea agreement resolving both cases together, and this case was transferred to the Eastern District in January 2012. However, subsequent to that transfer, Polanco-Padilla failed to plead guilty to either case. Thus, this case was ordered to be transferred back to the Southern District. Enclosed herein is a copy of the District Court's Order from the Eastern District of New York. Thus, at this time, the Government requests that the Court schedule a conference in this matter, and that the Court exclude time under the Speedy Trial Act from today until the date of the conference. Thank you for your consideration of these requests.

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

By: _____/s/
Jessica A. Mascia
Assistant United States Attorney
(212) 637-2288

cc: Jean Barrett, Esq.
(By Electronic Mail)

The parties, and counsel, will attend a conference on July 11, 2013, 10:00 a.m., 500 Pearl St., NYC 10007, Ct room 14 D. Time is excluded until then.

I will try this case beginning Sep. 9, 2013, 10:00 a.m., at which time a jury will be chosen. A final pre-trial conf. will be set at the 7/11/13 conf. 7-3-13

Adrienne K. [Signature]

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

ORDER TRANSFERRING CASE

- against -

12-CR-066 (SLT)

ALEJO POLANCO,
also known as "Jando,"

Defendant.

- - - - - X

WHEREAS, on January 19, 2012, upon the consent of the defendant, the above-captioned indictment was transferred from the Southern District of New York to the Eastern District of New York for the purpose of the entry of a guilty plea and for sentencing pursuant to Rule 20(a) of the Federal Rules of Criminal Procedure; and

WHEREAS, subsequent to the transfer of this indictment, the defendant declined to plead guilty and has indicated, through counsel, his intent to proceed to trial in connection with the charges contained in the above-captioned indictment as well as the charges contained in indictment 08-CR-65 (S-1) (SLT); and

WHEREAS, Rule 20(c) of the Federal Rules of Criminal Procedure provides that, where a defendant pleads not guilty following a Rule 20 transfer "the clerk must return the papers to the court where the prosecution began, and that court must restore the proceeding to its docket"; it is hereby

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ORDERED, that the above-captioned indictment be transferred to the Southern District of New York and restored to that Court's docket; and it is further

ORDERED that the Clerk of the Court shall send a certified copy of the docket of this action, and any and all filings contained therein, to the Clerk of the Court for the Southern District of New York; and it is further

ORDERED that the Clerk of the Court shall close this docket.

Dated: Brooklyn, New York
March 14, 2013

s/ SLT

HON. SANDRA L. TOWNES
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK

Judge wrote:

“The parties, and counsel, will attend a conference on July 11, 2013, 10:45 a.m., 500 Pearl Street, NYC 10007, Courtroom 14D. Time is excluded until then.

I will try this case beginning Sep. 9, 2013, 10:00 a.m., at which time a jury will be chosen. A final pre-trial conference will be set at the 7/11/13 conference.

7-2-13

Alvin K. Hellerstein”